

Bava Basra – Simanim

דף מח – Daf 48

פרק ג – חזקת הבתים

1. forced by idolators is invalid

Rav Huna ruled that a forced sale is valid, and the Gemara explains the logic: *אגב אונסיה גמר ומקנה – because of his duress he agrees to transfer it sincerely (since he receives payment and loses nothing)*. Rav Huna is challenged from a Mishnah: *גט המעושה – a coerced divorce, כשר – if he was forced by Jews, it is valid, ובעכו"ם פסול – but if it was forced by idolators, it is invalid*. According to Rav Huna's logic, we should similarly say: *אגב אונסיה גמר ומגרש – because of his duress, he agrees and divorces her sincerely!*? [The Rashbam adds that since his wife hates him, and will not remain with him, he loses nothing by divorcing her] The Gemara answers that Rav Mesharshiya says: *דבר תורה אפילו בעכו"ם כשר – Biblically speaking, even a get forced by idolators is valid*, because of the above reason. The Rabbis decreed the *get* invalid, *כדי שלא תהא כל אחת ואחת תוליה עצמה ביד עכו"ם – so that every [estranged wife] should not go attach herself an idolator*, and use every means to persuade him to force her husband to divorce her, *ומפקעת עצמה מיד בעלה – and thereby withdraw herself from her husband*.

2. Forced sale "בשדה זו" – a specified field

Rava said: *הלכתא תליוהו וזבין זביניה זביני – the halachah is that if they hung him up until he sold them what they demanded, his sale is a valid sale*. He added that this is only *בשדה סתם – an unspecified field*, i.e., where the owner could choose which field to sell, in which case he likely consented to the sale sincerely. But *בשדה זו – if they demanded a specified field*, the sale is void. This exception, however, is only *דלא ארצי זוזי – where [the owner] did not count the money*, demonstrating his opposition to the sale. But if he counted the money, the sale is valid even for a specified field. Furthermore, it is only void *דלא הוה לאישתמוטי – where he had no way to evade those forcing the sale*, but if he could have escaped their demand, the sale is valid. However, the Gemara concludes that even for a specified field, the sale is always valid, *דהא אשה כשדה זו דמיא – because a woman being coerced into marriage is like a specified field (since he is forcing this specific woman to marry him)*, and Ameimar said: *תליוהו וקדיש קדושיו קדושין – if they hung [a woman] up until she relented and he married her, his marriage is a valid marriage*.

3. תליוהו וקדיש, אפקעינהו רבנן לקידושיה מיניה

Ameimar said: *תליוהו וקדיש קדושיו קדושין – if they hung [a woman] up until she relented and he married her, his marriage is a valid marriage*. Mar bar Rav Ashi said that although a forced sale is valid, forced *kiddushin* is certainly void, by Rabbinic decree: *עשה שלא כהוגן – since he acted improperly, עמו – and the Rabbis revoked his kiddushin*. Ravina asked Rav Ashi: *תנינח דקדיש בכספא – That is well if he married her with money*, because the Rabbis can invalidate his *kiddushin* by making the money ownerless through *הפקר בית דין הפקר – but if he married her with relations, what is there to say?* Rav Ashi answered: *שיויה רבנן לבעילתו בעילת זנות – the Rabbis, by invalidating his kiddushin, rendered his relations as non-marital relations*.

Siman – Brainiacs

The brainiacs studying the thermodynamics of **coercion** and their halachic significance who rightfully assessed that **a goy forcing a גט is invalid on a Rabbinic level**, while trying to determine the exact height to hang up an owner **to force a sale of an unspecified field**, decided not to test how long **a woman needed to be hung before she relented and married a man, when they heard the Rabbis would revoke such a kiddushin**.



The brainiacs studying the thermodynamics of coercion and their halachic significance who rightfully assessed that a **goy forcing a *גט* is invalid on a Rabbinic level**, while trying to determine the exact height to hang up an owner to force a sale of an unspecified field, decided not to test how long a woman needed to be hung before she relented and married a man, when they heard the Rabbis would revoke such a *kiddushin*.

3 things to remember

1. **גט forced by idolators is invalid**
2. **Forced sale "בשדה זו" – a specified field**
3. **תליוה וקדיש אפקעינהו רבנן לקידושיה מיניה**

